

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Taylor *et al.* Art Unit: Unassigned  
 Serial No.: Unassigned Examiner: Unassigned  
 Filed: July 3, 2001  
 For: **GENETIC TEST TO DETERMINE NON-RESPONSIVENESS TO STATIN DRUG  
 TREATMENT**

## PRELIMINARY AMENDMENT

## CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.16 ON THE DATE AND LABEL INDICATED BELOW AND IS FORWARDED TO BOX PATENT APPLICATION, THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D. C. 20231.

JULY 3, 2001

EL 900688394 US

Date of Deposit and Signature

Ann Weiss

Express Label No.

BOX PATENT APPLICATION  
 Assistant Commissioner for Patents  
 Washington, D. C. 20231

Dear Sir or Madam:

This Preliminary Amendment is filed with a continuation application of pending U.S. Serial No. 09/347,114, filed July 2, 1999. The continuation application filed herewith is directed to Claims 82-86, 89, 91-93, 95-96, and 97-102, originally filed in parent U.S. Serial No. 09/347,114. The Examiner is respectfully requested to consider the following amendments and remarks.

AMENDMENTS

A VERSION WITH MARKINGS TO SHOW CHANGES MADE is found at page 4, after Applicant's Remarks.

In the Specification:

At page 1, line 3, between the title and the Background of the Invention section, please insert the following paragraph:

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--This application is a continuation of pending U.S. Serial No. 09/347,114, filed on July 2, 1999.--

In the Claims:

Please cancel Claims 1-81, 87, 88, 90, and 94 without prejudice.

REMARKS

Applicant's Preliminary Amendment is submitted together with a continuation application directed to Claims 82-86, 89, 91-93 and 95-102, originally filed in pending parent U.S. Serial No. 09/347,114. Claims 82-86, 89, 91-93, and 95-102, noted as being "Once Amended," were previously amended in Applicant's Response to Office Action in 09/347,114, which Applicant mailed November 6, 2000; the specification submitted herewith also incorporates amendments made in Applicant's Response to Office Action in 09/347,114, mailed November 6, 2000, including a revised Sequence Listing.

At page 1, line 3, Applicant has added continuing data explaining the relationship to U.S. Serial No. 09/347,114.

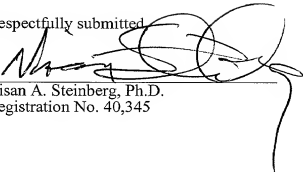
The cancellation of Claims 1-81, 87-88, 90, and 94, in the present continuation application is made without prejudice. Claims 21-32, 34-45, 47-59, 61-64, 66-69, and 71-80, were previously allowed in 09/347,114, for which the issue fee has been paid.

Applicant believes that no new matter is introduced by any amendments made herein.

In view of the above amendments and remarks, it is submitted that this application is now ready for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is

invited to call the undersigned attorney at (213) 896-6665.

Respectfully submitted,

  
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09898779.070301

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

In the Specification:

At page 1, line 3, between the title and the Background of the Invention section, please insert the following paragraph:

--This application is a continuation of pending U.S. Serial No. 09/347,114, filed on July 2, 1999.--

In the Claims:

Please cancel Claims 1-81, 87, 88, 90, and 94 without prejudice.

[illegible]